



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEE G. MEYER
MEYER & ASSOCIATES, LLC
17462 E. POWERS DRIVE
CENTENNIAL, CO 80015-3046

COPY MAILED

NOV 16 2005

OFFICE OF PETITIONS

In re Application of :
Michael K. Davis et al :
Application No. 09/996,849 :
Filed: November 27, 2001 :
Attorney Docket No. 50031.0020 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 12, 2005, to revive the above-identified application.


The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 15, 2004, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 16, 2004.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1080 extension of time submitted on March 11, 2005 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2654 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions